

**Statement of Rep. Tom Davis
Ranking Member
Committee on Oversight and Government Reform**

***The Executive Branch Reform Act
and the
Whistleblower Protection Enhancement Act of 2007***

February 13, 2007

Thank you, Mr. Chairman. I think it says a great deal about our working relationship that the first legislative hearing under your leadership continues the Committee's consideration of two bills that you and I worked on together last Congress, but were unable to get enacted into law before the session ended. Both proposals are aimed at improving transparency in government as a way of restoring trust in how the public's business is conducted.

The first bill being discussed today is the Executive Branch Reform Act. Chairman Waxman and I introduced substantially the same legislation last April, which the Committee approved by a vote of 32-0. In addition to other reforms, the legislation would ensure that the behavior of our public servants is above reproach by requiring executive branch officials to disclose any contacts involving the discussion of pending agency business.

In doing so, this legislation attempts to strike that fine balance between reasonable and focused rules of ethical behavior and overly broad restrictions and prohibitions that hamstringing agency officials and prevent them from exercising the discretion needed to perform their missions on behalf of our citizens. I applaud Chairman Waxman's continued focus on this issue and I look forward to working with him to improve this legislation as it moves forward.

The second bill being discussed today is the Whistleblower Protection Enhancement Act. Last year's version of this legislation, sponsored by Rep. Platts, was reported by this Committee by a 34-1 vote. In a nutshell, this bill would modernize, clarify and expand federal employee whistleblower protection laws. The most significant reform would guarantee federal employees a right to a jury trial in federal district court if the Merit Systems Protection Board does not take action on a claim within 180 days. Recourse for whistleblowers victimized by retaliatory actions in certain national security agencies would also be strengthened.

In addition to the witnesses before us today, I have encouraged affected executive branch agencies – specifically the Merit Systems Protection Board, the Office of Government Ethics, the Office of Federal Procurement Policy, and the Department of Justice – to submit comments for the record regarding these proposals. Chairman Waxman, despite the fact we’re scheduled to mark up these bills soon, I trust you will keep the record open long enough for these stakeholders to have their comments included for future reference.

Thank you again and I look forward to hearing from the witnesses.